

**BILLS AND RESOLUTION REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR**

The following bills and resolution were removed from the Local and Uncontested Bills Calendar:

Bill Number	Senators Objecting
<b>H.B. 197</b>	Glasgow, Washington
<b>S.B. 855</b>	Doggett, Blake
<b>S.B. 819</b>	By author, Brooks
<b>H.C.R. 85</b>	By author, Brooks

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 9:15 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

**SIXTY-THIRD DAY**  
(Thursday, May 5, 1983)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Truan.

A quorum was announced present.

The Reverend Arturo Mariscal, Emmanuel United Methodist Church, Austin, offered the invocation as follows:

Oh God our Lord, we acknowledge Your presence in our lives and we sincerely thank You for Your love. Many are the tasks that are left unfinished. Give us wisdom, patience, and the right kind of leadership that as we move through every session we may be mindful of Your will for our lives. Help us to be real people; dealing with real issues that affect lives, and keep us for ever honest. That we may practice good judgment and kindness toward one another. In the name of the living Christ we pray. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Truan was granted leave of absence for today on account of family illness on motion of Senator Mauzy.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 5, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 244**, Relating to the mandatory use of interest earned on certain client funds held by attorneys, law firms, or professional corporations engaged in the practice of law to provide legal services to the indigent in civil matters. (With amendments)

**S.B. 460**, Relating to temporary licensing requirements for certain life insurance agents.

**S.B. 582**, Relating to the rate and application of the motor vehicle sales and use tax to certain exported motor vehicles and to certain imported motor vehicles.

Respectfully,  
BETTY MURRAY, Chief Clerk  
House of Representatives

**REPORTS OF STANDING COMMITTEES**

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

**S.B. 632**  
**S.B. 796**  
**C.S.S.B. 96** (Read first time)  
**C.S.S.B. 45** (Read first time)

Senator Whitmire, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

**S.C.R. 98**

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

**S.B. 1159**  
**H.B. 1128**  
**S.B. 791**  
**H.B. 102** (Amended)  
**H.B. 103**  
**H.B. 719**  
**C.S.S.B. 1362** (Read first time)  
**C.S.S.B. 793** (Read first time)

Senator Whitmire, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

**C.S.S.B. 1213**

Senator Farabee submitted the following report for the Committee on State Affairs:

**H.J.R. 59** (Amended)  
**H.B. 1445** (Amended)

**H.B. 1474** (Amended)  
**H.B. 1046** (Amended)  
**S.B. 905**  
**C.S.H.B. 382** (Read first time)

Senator Jones submitted the following report for the Committee on Finance:

**H.B. 401** (Amended)  
**C.S.S.B. 456** (Read first time)  
**C.S.S.B. 1355** (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 865**  
**S.B. 723**  
**S.B. 649**  
**S.B. 1352**  
**S.B. 1314**  
**S.B. 1315**  
**S.B. 1271**  
**C.S.S.B. 880** (Read first time)  
**C.S.H.B. 618** (Read first time)  
**C.S.S.B. 782** (Read first time)

#### SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 1389** by Brooks Natural Resources  
Relating to composition and appointment of the port commission and navigation board of the Port of Houston Authority of Harris County.

**S.B. 1391** by Brooks Health and Human Resources  
Relating to the administration of medications in convalescent homes, nursing homes, and other related institutions; establishing fees for the issuance and renewal of permits to administer medications; amending Chapter 413, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4442c, Vernon's Texas Civil Statutes); providing a penalty; and declaring an emergency.

**S.B. 1392** by Brooks Intergovernmental Relations  
Relating to the powers and duties of park boards of trustees of certain cities in the management and control of certain facilities under the jurisdiction of the board and for necessary funding; amending Sections 1 and 7, Chapter 33, Acts of the 57th Legislature, 3rd Called Session, 1962, as amended (Article 6081g-1, Vernon's Texas Civil Statutes).

**S.B. 1393** by Truan, Brooks Health and Human Resources  
Relating to the regulation of the profession of radiology; requiring certification of radiation technologists; establishing a Radiation Technologist Advisory Board; providing for its membership, terms, duties, and compensation; prescribing the duties of the Texas Board of Health under the Act; providing penalties.

**S.B. 1394** by Santiesteban Natural Resources  
Relating to the maintenance of the Franklin Mountains State Park.

**S.B. 1395** by Montford Intergovernmental Relations  
Relating to establishment of a juvenile board in Lynn County.

**S.R. 563** by Santiesteban Natural Resources  
Directing the Senate Committee on Natural Resources to conduct an interim study on any problems affecting the sectors of water and energy in Texas.

**S.R. 564** by Uribe Health and Human Resources  
Directing the Texas State Board of Medical Examiners to compile statistics on the number and distribution of members of racial minority groups who are physicians licensed to practice in Texas.

**S.R. 565** by Edwards Administration  
Creating an interim committee to be named the Senate Special Committee on Business, Technology, and Education.

### HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

- H.B. 36**, To Committee on Intergovernmental Relations.
- H.B. 79**, To Committee on Economic Development.
- H.B. 98**, To Committee on Jurisprudence.
- H.B. 281**, To Committee on Jurisprudence.
- H.B. 651**, To Committee on Natural Resources.
- H.B. 658**, To Committee on State Affairs.
- H.B. 1130**, To Committee on Finance.
- H.B. 1438**, To Committee on Economic Development.
- H.B. 1689**, To Committee on Education.
- H.B. 1995**, To Committee on Finance.
- H.J.R. 91**, To Committee on Intergovernmental Relations.

### SENATE RESOLUTION 539

Senator Brown offered the following resolution:

WHEREAS, The City of Lake Jackson was founded in 1941 when Dr. A. P. Beutel, first General Manager of Dow's Texas Division, discovered the site of Major Abner Jackson's old plantation home by a small lake in Brazoria County; Dr. Beutel and his colleagues decided to establish a residential community for employees of Dow Chemical Company at this scenic location; and

WHEREAS, Architect Alden B. Dow carefully planned the outlay of the community before construction was undertaken; In December of 1941, 300 American and Mexican woodsmen with 6 bulldozers, 30 mules, and 5 draglines began building on the lush forest land; and

WHEREAS, Construction of the first housing project, the Oak Wood Project, was complete in January, 1943; the population reached 1800 by April of the following year; and

WHEREAS, On March 14, 1944, the City of Lake Jackson was incorporated; By 1954, the city was large enough to vote for "Home Rule Charter"; and

WHEREAS, The 1980 population exceeded 19,000, an increase of 42.8% over the previous decade; As a highly preferred residential community, Lake Jackson continues to attract more than its share of the growing population; and

WHEREAS, Its scenic natural location and beautiful outlay have earned the City the title "City of Enchantment"; now, therefore, be it

RESOLVED, That the Senate of Texas, 68th Legislature, honor this fair city on Lake Jackson Day, May 7, 1983; and, be it further

RESOLVED, That a copy of this Resolution be sent to the city officials of Lake Jackson, with best wishes for a joyous and successful celebration.

The resolution was read and was adopted.

**SENATE RESOLUTION 570**

Senator Uribe offered the following resolution:

**S.R. 570**, Recognizing May 5, 1983 as the 121st anniversary of Cinco de Mayo.

TRUAN  
URIBE  
SHARP

The resolution was read and was adopted.

**ESCORT COMMITTEE APPOINTED**

In accordance with the provisions of **S.C.R. 43**, the President announced the appointment of the following as a Committee to Escort The Honorable Tony Bonilla to the Joint Session: Senators Mauzy, Santiesteban, Sharp, Uribe and Vale.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
May 5, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR  
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS COLLEGE AND UNIVERSITY SYSTEM  
COORDINATING BOARD:

For a term to expire August 31, 1987:

GARY L. WATKINS  
3710 Blossom Lane  
Odessa, Texas 79762

(Mr. Watkins is replacing Mr. Ernest Angelo of Midland, Midland County, Texas, whose appointment was not confirmed by the Senate.)

Respectfully submitted

/s/Mark White  
Governor of Texas

**SENATE BILL 354 WITH HOUSE AMENDMENT**

Senator Whitmire called **S.B. 354** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.  
Committee Amendment No. 1 - Hilbert

Substitute the following for **S.B. 354**:

**A BILL TO BE ENTITLED  
AN ACT**

prohibiting a person with a firearm going on premises of certain places; providing a penalty; amending Section 46.04, Penal Code.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

SECTION 1. Section 46.04, Penal Code, is amended to read as follows:

“Section 46.04. **PLACES WEAPONS PROHIBITED.** (a) A person commits an offense if, with a firearm, or explosive weapon, or illegal knife, he intentionally, knowingly, or recklessly goes:

“(1) on the premises of a school or an educational institution whether public or private, unless pursuant to written regulations or written authorization of the institution; ~~or~~

“(2) on the premises of a polling place on the day of an election~~[-]~~ or while absentee balloting is in progress; or

“(3) in any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court.

“(b) It is a defense to prosecution that the actor ~~[under this section]~~ possessed a firearm under (a)(1), (a)(2), or (a)(3) while [was] in the actual discharge of his official duties as a peace officer or a member of the armed forces or national guard ~~[-]~~ or a guard employed by a penal institution, or an officer of the Court.

“(c) An offense under this section is a third degree felony. ~~[Class A misdemeanor]~~

SECTION 2. If any provision, section, or clause of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect the provisions or applications hereof which can be given effect without the invalid provision, section, or clause, and to this end the provisions of this Act are declared to be severable.

SECTION 3. The importance of this legislation and the crowded condition of the calendars of both houses create an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Whitmire moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 354** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Whitmire, Chairman; Washington, Brown, Edwards and Caperton.

**SENATE BILL 234 WITH HOUSE AMENDMENTS**

Senator Sharp called **S.B. 234** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.  
Committee Amendment No. 1 - Patrick  
Substitute the following for **S.B. 234**:

**A BILL TO BE ENTITLED  
AN ACT**

relating to the regulation of persons engaged in the business of designing, selling, installing, maintaining, or servicing fire protection sprinkler systems; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 5, Insurance Code, is amended by adding Article 5.43-3 to read as follows:

Art. 5.43-3. FIRE PROTECTION SPRINKLER SYSTEMS

Sec. 1. DEFINITIONS. In this article:

(1) "Person" means a natural person, including an owner, manager, officer, employee, or occupant.

(2) "Organization" means a corporation, a partnership or other business association, a governmental entity, or any other legal or commercial entity.

(3) "Board" means the State Board of Insurance.

(4) "Advisory Council" means the Fire Protection Advisory Council consisting of seven members appointed by the State Board of Insurance.

(5) "Installation" means the initial placement of equipment or the extension, modification, or alteration of equipment after the initial placement.

(6) "Maintenance" means to maintain in the condition of repair that provides performance as originally planned.

(7) "Service" means to maintain, repair, or test.

(8) "Fire protection sprinkler system contractor" means a person or organization that offers to undertake, represents itself as being able to undertake, or does undertake the plan, sale, installation, maintenance, or servicing of a fire protection sprinkler system or any part of such a system.

(9) "Fire protection sprinkler system" means an assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or the products of combustion.

(10) "Responsible managing employee" means an individual or individuals who shall be designated by each company that plans, sells, installs, maintains, or services a fire protection sprinkler system to assure that each fire protection sprinkler system as installed, maintained, or serviced meets the standards as provided for by law.

(11) "Certificate of Registration" means the document issued to a fire protection sprinkler system contractor authorizing same to conduct business in this state.

(12) "License" means the document issued to a responsible managing employee authorizing same to engage in the fire protection sprinkler system business in this state.

Sec. 2. EXCEPTIONS. (a) The provisions of this Article and the rules and regulations promulgated under this article shall have uniform force and effect throughout the state. A municipality or county may not enact an order, ordinance, rule, or regulation requiring a fire protection sprinkler system contractor to obtain a certificate of registration from the municipality or county. Notwithstanding any other provisions of this act, a municipality or county may require a fire protection sprinkler system contractor to obtain a permit, and pay a fee therefor, for the installation of a fire protection sprinkler system and require the installation of such system in conformance with the building code or other construction requirements of the municipality or county, but may not impose qualification or financial responsibility requirements other than proof of a valid certificate of registration. A municipal or county order, ordinance, rule, or regulation that is in effect on the effective date of this article is not invalidated because of any provisions of this article.

(b) This article does not apply to:

(1) an employee of the United States, this state, or any political subdivision of this state who acts as a fire protection sprinkler system contractor for the employing governmental entity;

(2) the plan, sale, installation, maintenance, or servicing of a fire protection sprinkler system in any property owned by the United States, this state, or any political subdivision of this state;

(3) a person or organization acting under court order as authorization;

(4) a person or organization that sells or supplies products or materials to a registered fire protection sprinkler system contractor;

(5) an installation, maintenance, or service project for which the total contract price for labor, materials, and all other services is less than \$100, if:

(A) the project is not a part of a complete or more costly project, whether the complete project is to be undertaken by one or more fire protection sprinkler system contractors; or

(B) the project is not divided into contracts of less than \$100 for the purpose of evading this article;

(6) a registered professional engineer acting solely in such professional capacity;

(7) a regular employee of a registered fire protection sprinkler system contractor; or

(8) an owner or lessee of property that installs a fire protection sprinkler system on the owned or leased property for its own use or for the use by family members and does not offer such property for sale or lease within one year after installation of a fire protection sprinkler system.

Sec. 3. ADMINISTRATION. (a) The board shall administer this article and may issue rules necessary to its administration through the State Fire Marshal.

(b) The board, in adopting necessary rules, may utilize recognized standards such as those adopted by a federal law or regulation, those published by nationally recognized standards-making organizations, or those developed by individual manufacturers.

Sec. 4. REGISTRATION; LICENSING; FEES. (a) A fire protection sprinkler system contractor must apply to the board for a certificate of registration on a form prescribed by the board. If the contractor is a partnership or joint venture, it need not register in its own name if each partner or joint venturer is registered. The application fee for the certificate of registration must be in an amount not to exceed \$100, and the fee for issuance of either the initial or the renewal certificate of registration must be in an amount not to exceed \$1,200.

(b) Each fire protection sprinkler system contractor must employ at least one licensed responsible managing employee on a full-time basis.

(c) Each responsible managing employee must obtain a license issued by the board and conditioned on the successful completion of the examination requirement and other requirements prescribed by the rules adopted under this article. The examination fee must be in an amount not to exceed \$100 per examination, and the fee for the issuance of either the initial or the renewal responsible managing employee license must be in an amount not to exceed \$200.

(d) A certificate of registration and a license are valid for a period of one year from the date of issue and are renewable annually on payment of the annual fee; provided, however, that the initial certificates of registration or licenses issued on or after September 1, 1983, may be issued for periods of less than one year and the annual fee shall be prorated proportionally.

(e) The fee charged by the board for any request for a duplicate certificate of registration or license or any request requiring change to a certificate of registration or license must be in amount not to exceed \$70.



(f) Each certificate of registration and license issued under this article must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

(g) All bids, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's certificate of registration number.

(h) A certificate of registration or license issued under this article is not transferable.

(i) The board shall, within the limits fixed by this section, prescribe the fees to be charged under this section. All fees collected under the provisions of this article shall be deposited in the State Treasury to the credit of the State Board of Insurance operating fund for use in carrying out the administration of this Article.

Sec. 5. REQUIRED BOND AND INSURANCE. (a) The board may not issue a certificate of registration under this article unless the applicant files with the board:

(1) a surety bond executed by a surety company authorized to do business in this state in the sum of \$10,000 conditioned to compensate third party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this article; and

(2) proof of comprehensive general liability insurance with coverage in an amount not less than \$50,000 for bodily injury, \$25,000 for property damage and \$50,000 for personal injury, which insurance shall be conditioned to pay all amounts that the principal is legally obligated to pay as damages because of injury caused by the principal or the principal's servant, officer, agent, or employee in the conduct of any business registered under this article.

(b) The liability insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state and countersigned by a local recording agent licensed in this state. Insurance certificates executed and filed with the board under this section remain in force until the insurer has terminated future liability by 30-day notice to the board.

(c) The applicant shall make the required surety bond payable to the state. A person who is damaged or injured by the principal or by the principal's servant, officer, agent, or employee may sue directly on the bond. The bond is subject to successive suits for recovery until the face amount of the bond is exhausted. A bond executed and filed with the board under this section remains in force until the surety has terminated future liability by a 30-day notice to the board.

(d) Failure to maintain the surety bond or the liability insurance required under this section constitutes grounds for the denial, suspension, or revocation of a certificate of registration issued under this article after notice and a public hearing to consider same.

Sec. 5A. RENEWAL. (a) An unexpired license or registration may be renewed by paying the required renewal fee to the board before the expiration date of the license or registration. If a license or registration has been expired for not longer than 90 days, the license or registration may be renewed by paying to the board the required renewal fee and a fee that is one-half of the original fee for the license or registration. If a license or registration has been expired for longer than 90 days but less than two years, the license or registration may be renewed by paying to the board all unpaid renewal fees and a fee that is equal to the original fee for the license or registration. If a license or registration has been expired for two years or longer, the license or registration may not be renewed. A new license or registration may be obtained by complying with the requirements and procedures for obtaining an initial license or registration. At least 30 days before the expiration of a license or registration, the board shall send written notice of the impending license or registration expiration to the licensee or registrant at his or its last known

address. This section may not be construed to prevent the board from denying or refusing to renew a license under applicable law or rules of the board.

(b) The board, by rule, may adopt a system under which licenses and registrations expire on various dates during the year. For the year in which the license or registration expiration date is less than one year from its issuance or anniversary date, the fee shall be prorated on a monthly basis so that each licensee or registrant shall pay only that portion of the fee that is allocable to the number of months during which the license or registration is valid. On each subsequent renewal, the total renewal fee is payable.

Sec. 5B. EXAMINATION. Not later than the 30th day after the day on which an examination is administered under this article, the board shall send notice to each examinee of the results of the examination. If an examination is graded or reviewed by a national testing service, the board shall send notice to each examinee of the results of the examination within two weeks after the date on which the board receives the results from the testing service. If the notice of the examination results will be delayed for longer than 90 days after the examination date, the board shall send notice to each examinee of the reason for the delay before the 90th day. If requested in writing by a person who fails the examination administered under this article, the board shall send to the person an analysis of the person's performance on the examination.

Sec. 5C. CONTINUING EDUCATION. The board may adopt procedures for certifying and may certify continuing education programs. Participation in the programs is voluntary.

Sec. 5D. LICENSE BY RECIPROCITY. The board may waive any examination requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

Sec. 6. ADVISORY COUNCIL. (a) The Fire Protection Advisory Council is created. The board shall appoint the members of the advisory council, who shall serve at the pleasure of the board.

(b) The advisory council, in addition to other duties delegated by the board, may:

(1) advise the State Fire Marshal concerning practices in the fire protection sprinkler system industry and the rules necessary to implement and administer this article;

(2) make recommendations to the State Fire Marshal regarding forms and procedures for certificates of registration and licenses.

(c) The advisory council shall have seven members as follows:

(1) three individuals who have been actively engaged in the management of a fire protection sprinkler system business for not less than five years preceding their appointment;

(2) one representative of the engineering section of the board's property division;

(3) one member of the State Firemen's and Fire Marshal's Association of Texas; and

(4) one member from each of two fire departments of incorporated cities of this state.

Sec. 7. POWERS AND DUTIES OF BOARD. (a) The board may delegate authority to exercise all or part of its functions, powers, and duties under this article, including the issuance of licenses and certificates of registration, to the State Fire Marshal, who shall implement the rules adopted by the board for the protection and preservation of life and property in controlling:

(1) the registration of a person or an organization engaged in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems; and

(2) the requirements for the plan, sale, installation, maintenance, or servicing of fire protection sprinkler systems by:

(A) determining the criteria and qualifications for certificates of registration holders;

(B) evaluating the qualifications of an applicant for a certificate of registration to engage in the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems and issuing certificates to qualified applicants;

(C) determining the criteria and qualifications for licenses; and

(D) conducting examinations and evaluating the qualifications of applicants for licenses and issuing licenses to qualified applicants.

(b) The board shall establish a procedure for reporting and processing complaints relating to the business of planning, selling, installing, maintaining, or servicing fire protection sprinkler systems in Texas.

Sec. 8. PROHIBITED ACTS. A person or organization may not:

(1) plan, sell, install, maintain, or service a fire protection sprinkler system without a valid certificate of registration;

(2) act as a fire protection sprinkler system contractor under a certificate of registration without having at least one full-time employee who holds a valid responsible managing employee license, provided, however, that a person or organization with a current certificate of registration may act as a fire protection sprinkler system contractor for 30 days after the death or disassociation of its licensed responsible managing employee or for such longer period as may be approved by the board pursuant to the rules adopted hereunder;

(3) act as a responsible managing employee for a fire protection sprinkler system contractor without a valid license;

(4) obtain or attempt to obtain a certificate of registration or license by fraudulent representation; or

(5) plan, sell, install, maintain, or service a fire protection sprinkler system in violation of this article or the rules adopted under this article.

Sec. 9. DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATE OF REGISTRATION OR LICENSE. (a) A violation of this article or a rule adopted under this article is a ground for the denial, suspension, or revocation of a certificate of registration or a license issued under this article.

(b) Proceedings for the denial, suspension, or revocation of a certificate of registration or license, and appeals from those proceedings, are governed by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(c) No applicant, certificate of registration holder, or licensee whose certificate of registration or license has been denied, refused, or revoked hereunder (except for the failure to pass a required written examination) shall be entitled to file another application for a certificate of registration or license in the fire protection sprinkler system business in this state within one year from the effective date of such denial, refusal, or revocation, or, if judicial review of such denial, refusal, or revocation is sought, within one year from the date of final court order or decree affirming such action. Such application, when filed after one year, may be denied unless the applicant shows good cause why the denial, refusal, or revocation of the certificate of registration or license shall not be deemed a bar to the issuance of a new certificate of registration or license.

Sec. 10. PENALTIES. (a) A person commits an offense if the person knowingly or intentionally violates Section 8 of this article.

(b) An offense under this section is a Class B misdemeanor.

(c) Venue for the offense is in Travis County.

Sec. 11. PROHIBITED PRACTICE. Nothing in this article shall authorize a person or organization to practice professional engineering except in compliance with the Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes).

SECTION 2. Nothing in this Act shall be construed to grant the State Board of Insurance the authority to adopt any rule that supersedes or invalidates an ordinance, building code, or other enactment adopted by the governing body of a municipality requiring a fire protection sprinkler system contractor to obtain a permit, and pay a fee therefor, for the installation of a fire protection sprinkler system and requiring the installation of such system in conformance with the building code or other instruction requirements of the municipality.

SECTION 3. A person is not required to be registered or licensed under this Act to engage in the fire protection sprinkler system business until September 1, 1984.

SECTION 4. This Act takes effect September 1, 1983.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Floor Amendment No. 1 - B. Hall

Amend C.S.S.B 234 on page 3, line 20 by striking all of line 20 after the word "States" and substituting the following in lieu thereof: or this state.

The amendments were read.

Senator Sharp moved to concur in the House amendments.

The motion prevailed.

#### SENATE BILL 262 WITH HOUSE AMENDMENT

Senator Sharp called S.B. 262 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 - Davis

Amend S.B. 262 by striking all below the enacting clause and substituting the following:

SECTION 1. Subsection (c), Section 31.050, Parks and Wildlife Code, is amended to read as follows:

(c) A security interest in a motorboat or outboard motor held as inventory by a person who is in the business of selling or leasing goods of that kind may be perfected only by complying with ~~[in a new motorboat or outboard motor as provided in]~~ Chapter 9, Business & Commerce Code.

SECTION 2. Section 31.052, Parks and Wildlife Code, is amended to read as follows:

Section 31.052. SECURITY INTEREST LIENS. (a) Except as provided in Subsection (c) of Section 31.050 of this code, ~~[all liens;]~~ security interests~~[- and other encumbrances]~~ in a motorboat or outboard motor:

~~[(1)]~~ shall be noted on the certificate of title of the motorboat or outboard motor to which the security ~~[lien;]~~ interest~~[- or encumbrance]~~ applies;

~~[(2)]~~ take priority in the chronological order that each is noted on the certificate of title; and

~~[(3)]~~ are valid as against other general creditors of the owner of the motorboat or outboard motor, subsequent purchasers of the motorboat or outboard motor, and a holder of unnoted or subsequent liens, security interests, or encumbrances].

(b) In case of any conflict between this code and Chapters 1 through 9 of the Business & Commerce Code, the provisions of the Business & Commerce Code

control [~~This section applies to liens, security interests, and encumbrances created after January 1, 1976.~~]

SECTION 3. This Act applies only to security interests created on or after the effective date of this Act. A security interest created before that date is covered by the law as it existed when the security interest was created, and the former law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Sharp moved to concur in the House amendment.

The motion prevailed.

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given by Senator Howard yesterday.

#### **NOMINEES CONFIRMED**

Senator Howard moved confirmation of the nominees reported by the Subcommittee on Nominations and considered in Executive Session.

The President asked if there were requests to sever nominees.

Senator Brooks requested that Karl Rove, to be a Member of Board of Regents, Texas Woman's University, be severed.

The request was granted.

The following nominees not severed and as reported yesterday by the Subcommittee on Nominations were confirmed by the following vote: Yeas 26, Nays 0.

Absent: Harris, McFarland, Santiesteban, Traeger.

Absent-excused: Truan.

Member, Texas Health Facilities Commission: MRS. DORA ANN GANDY McDONALD, Hays County.

Judge, 52nd Judicial District, Coryell County: BOBBY LOUIS CUMMINGS, Coryell County.

Judge, 130th Judicial District, Matagorda County: W. JACK SALYER, Matagorda County.

Members, Board of Director, Brazos River Authority: HENRY J. BOEHM, SR., Washington County; BRUCE V. CAMPBELL, JR., Knox County; R. E. (GENE) CHAMBERS, Wichita County; DOUGLAS A. STRAIN, Brazoria County; JOHN M. WEHBY, Williamson County; WALTER CLIFFORD WIESE, JR., Robertson County; GLYNN A. WILLIAMS, Brazos County.

**NOMINEE REJECTED**

Question on the confirmation of Karl Rove, to be a Member of the Board of Regents, Texas Woman's University, the Senate refused to confirm Mr. Rove by the following vote: Yeas 9, Nays 16.

Yeas: Brown, Doggett, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Sarpalius.

Nays: Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Mauzy, Montford, Parmer, Sharp, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Absent: Harris, McFarland, Parker, Santiesteban, Sims.

Absent-excused: Truan.

**MOTION TO RECESS**

On motion of Senator Mauzy, the Senate at 10:56 o'clock a.m. today agreed to recess until 1:00 o'clock p.m. upon conclusion of the Joint Session.

**JOINT SESSION**

(To hear address of The Honorable Tony Bonilla, National President of LULAC)

The President announced that the hour for the Joint Session of the two Houses to hear the address of The Honorable Tony Bonilla, pursuant to the provisions of S.C.R. 43, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 11:00 o'clock a.m.

The President, by invitation of the Speaker Pro Tempore Berlanga, occupied a seat on the Speaker's Rostrum.

Mr. Bonilla, accompanied by members of his party, was announced by the Doorkeeper of the House.

Mr. Bonilla's party was escorted to the Speaker's Rostrum by Senators Mauzy, Santiesteban, Sharp, Uribe and Vale on the part of the Senate and Representatives Barrientos, Bush, Cavazos, W. Hall, Harrison of Terrell, Harrison of Nueces, D. Lee, Martinez of Harris, Martinez of Bexar, Moreno of Hidalgo, Polk, Rangel, Robinson, Shaw, S. Thompson of Harris, Wieting, Willis, Wilson and Wolens on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Hugo Berlanga, Speaker Pro Tempore, announced a quorum of the House present and stated the purpose of the Joint Session.

Senator Sharp, on behalf of Senator Truan, presented The Honorable Tony Bonilla, who addressed the Joint Session.

(Full text of Mr. Bonilla's address, translated into Spanish by Mr. Jorge Garces, Director of Programs, Good Neighbor Commission, is printed as an appendix to today's Senate Journal. The English text is found in the House Journal of May 5, 1983.)

At the conclusion of Mr. Bonilla's address, Speaker Gib Lewis presented a gavel to Mr. Bonilla.

Speaker Pro Tempore Berlanga introduced Mrs. Olga Bonilla to the Joint Session.

**RECESS**

Senator Vale announced the purpose of the Joint Session had been accomplished and declared the Senate at 11:26 o'clock a.m. would stand recessed, in accordance with a motion previously adopted in the Senate, until 1:00 o'clock p.m. today.

**AFTER RECESS**

The Senate met at 1:00 o'clock p.m. and was called to order by the President.

**SENATE BILL 36 WITH HOUSE AMENDMENT**

Senator Mauzy called **S.B. 36** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.  
Floor Amendment No. 1 - Bush

Amend **S.B. 36** on page 1, line 23, by striking the words "average of the"; and on page 1, line 25, by striking the words "for the four weeks" and inserting in lieu thereof the words "on the most recent date".

The amendment was read.

Senator Mauzy moved to concur in the House amendment.

The motion prevailed.

**SENATE BILL 964 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 964**, Relating to the sale of alcoholic beverages near a public school, church, or public hospital, and to notice of an application for a license or permit to sell alcoholic beverages near a public school.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 964** as follows:

On page 2, Subsection (c), line 1, strike the words "or renewal".

The committee amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 964 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 964** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington, Whitmire.

Absent-excused: Truan.

The bill was read third time and was passed.

### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.J.R. 14  
S.J.R. 17  
S.B. 67  
S.B. 99  
S.B. 108  
S.B. 261  
S.B. 408  
S.B. 433  
S.B. 439  
S.B. 442 (Signed subject to Art. III,  
Sec. 49a of the Constitution)  
S.B. 466 (Signed subject to Art. III,  
Sec. 49a of the Constitution)  
S.B. 469 (Signed subject to Art. III,  
Sec. 49a of the Constitution)  
S.B. 670 (Signed subject to Art. III,  
Sec. 49a of the Constitution)

### **SENATE BILL 468 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 468**, Relating to the establishment, objectives, duties, and ownership interests of the Institute for Ventures in New Technology as a part of the Texas Engineering Experiment Station, under the control of the board of regents of The Texas A&M University System; adding Subchapter D to Chapter 88, Texas Education Code.

The bill was read second time and was passed to engrossment.

### **SENATE BILL 468 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 468** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Leedom.

Absent: Jones, Santiesteban, Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Leedom.

Absent: Jones.

Absent-excused: Truan.



**COMMITTEE SUBSTITUTE SENATE BILL 160 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 160**, Relating to creation of the offense of tampering with food or a drug.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 160 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 160** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Jones.

Absent-excused: Truan.

The bill was read third time and was passed.

**SENATE BILL 1299 ON SECOND READING**

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1299**, Relating to the acceptance by the State of the Primary Care Block Grant; designating the Texas Department of Health as the administrative agency for such grant; etc.,; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**SENATE BILL 1299 ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1299** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed.

**SENATE BILL 1287 ON SECOND READING**

Senator Brooks asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 1287**, Relating to coverage for mental and emotional illness and disorders in certain accident and sickness insurance policies.

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up **S.B. 1287** for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Parker, Santiesteban, Sharp, Traeger, Uribe, Washington, Whitmire, Williams.

Nays: Brown, Glasgow, Harris, Leedom, Montford, Parmer, Sarpalius, Sims, Vale.

Absent-excused: Truan.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 2

Amend SECTION 1 (F) line 24 of S.B. 1287 by inserting after the word "Osteopathy" the following:

prescribed in lieu of hospital confinement by a doctor of medicine or a doctor of osteopathy

The amendment was read and was adopted.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 1287 on page 1, line 37, by inserting between the words "for" and "treatment" the following:

"either in patient or psychiatric day".

The amendment was read.

On motion of Senator Brooks, the amendment was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Brooks, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Jones, Kothmann, Lyon, Mauzy, McFarland, Santiesteban, Sharp, Traeger, Uribe, Washington, Whitmire, Williams.

Nays: Blake, Brown, Glasgow, Howard, Leedom, Montford, Parker, Parmer, Sarpalius, Sims, Vale.

Absent-excused: Truan.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTE

Senator Montford asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 1287 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1287 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Glasgow, Leedom, Montford, Sims, Washington.

Absent-excused: Truan.

The bill was read third time and was passed.

### RECORD OF VOTES

Senators Montford and Parmer asked to be recorded as voting "Nay" on the final passage of the bill.

### SENATE BILL 342 ON SECOND READING

Senator Caperton moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 342**, Relating to petroleum marketing franchises and to the prohibition of certain practices relating to those franchises; providing penalties.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Harris, Henderson, Leedom, Traeger.

Absent-excused: Truan.

The bill was read second time.

Senator Caperton offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **S.B. 342** by striking everything below the enacting clause and substitute the following:

#### SECTION 1. Definitions. In this Act:

(1) "Franchisee" means a distributor and/or retailer who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

(2) "Franchisor" means a refiner and/or distributor who authorizes or permits, under a franchise, the use of a trademark in connection with the sale, consignment, or distribution of motor fuel.

(3) "Franchise" includes:

(A) any contract under which a distributor and/or retailer is authorized or permitted to occupy marketing premises which are to be employed in connection with the sale, consignment, or distribution of motor fuel under a trademark which is owned or controlled by the franchisor-refiner or by a refiner who supplies motor fuel to a distributor who authorizes or permits such occupancy;

(B) any contract pertaining to the supply of motor fuel which is to be sold, consigned, or distributed under a trademark owned or controlled by a refiner;

(C) the unexpired portion of any franchise which is transferred or assigned as authorized by the provisions of such franchise or by any applicable provision of state or federal law which permits such transfer or assignment without regard to any provision of the franchise.

The term "Franchise," as used in this Act, does not include a contract made in the distribution of motor fuels through a card-lock or key-operated pumping system where neither of the parties to the contract is refiner or producer of such motor fuel.

(4) "Wholesale Price" means the invoice price or purchase price per gallon charged to the franchisee who buys motor fuel, plus any excise tax paid by the buyer, plus reasonable freight charges, if freight charges are paid by the buyer, minus that portion of any refunds, rebates or subsidies not designed to offset the fee, charge or discount described in Section 2.

(5) "Motor Fuel" includes diesel fuel delivered to service stations by a franchisor and gasoline that are usable as propellants of a motor vehicle.

SECTION 2. Prohibited Practices. A franchisor shall not require a franchisee to pay to the franchisor any fee, charge or discount for honoring the credit card issued by the franchisor or for submitting to the franchisor, for payment or credit to the franchisee's account, documents or other evidence of indebtedness of the holder of the card issued by the franchisor; provided, however, that a franchisor may require a franchisee to pay such a fee, charge or discount if such franchisor with consideration of competitive prices in the relevant market has adjusted the wholesale prices charged and/or rebates credited to franchisees for motor fuel by amounts which on average for franchisees in the State of Texas substantially offset such fee, charge or discount.

SECTION 3. Remedies. (a) If a franchisor violates the provisions of Section 2 of this Act, the franchisee may maintain a civil action against such franchisor. Such action may be brought, without regard to the amount in controversy, in the district court in any county in which the franchisor or franchisee is doing business.

(b) In any action under Subsection (a) of this section, the court shall award to the franchisee who prevails in an action brought hereunder the amount of actual damages and grant such equitable relief as the court determines is necessary to remedy the effects of franchisor's violation of the provisions of Section 2 of this Act, including declaratory judgment, permanent injunctive relief, and temporary injunctive relief. In addition, the court shall award to a franchisee who prevails in an action brought hereunder court costs and attorney's fees that are reasonable in relation to the amount of work expended.

(c) In addition to the remedies provided in Subsection (b) of this section, if the trier of fact finds that the violation was committed wilfully and knowingly by the defendant, the trier of fact shall award not more than three times the amount of actual damages.

(d) In any action under Subsection (a) of this section, the franchisor shall bear the burden of establishing the offset described in Section 2 of this Act as an affirmative defense.

(e) Any action alleging a violation of Section 2 of this Act shall be commenced and prosecuted within two years after the cause of action has accrued.

SECTION 4. Effective Date. This Act takes effect September 1, 1983.

SECTION 5. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTE

Senator Henderson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 342 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 342 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Harris, Leedom, Washington.

Absent-excused: Truan.

The bill was read third time and was passed.

**RECORD OF VOTES**

Senators Henderson and Leedom asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE HOUSE BILL 593 ON THIRD READING**

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

**C.S.H.B. 593**, Relating to the administration, powers, duties, and continuation of the Railroad Commission of Texas; providing penalties.

The bill was read third time.

Senator Howard offered the following amendment to Floor Amendment No. 10 adopted yesterday:

Floor Amendment No. 1

Amend Floor Amendment No. 10 to **C.S.H.B. 593** as follows:

- (1) On page 1, line 3, strike "and small commercial".
- (2) On page 2, line 18, strike "and small commercial".
- (3) On page 2, line 23, strike "and small commercial".
- (4) On page 2, line 26, strike "or small commercial".
- (5) On page 2, line 29, strike "or small commercial".

The amendment was read and was adopted by unanimous consent.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 3

Amend the Committee Substitute for House Bill 593 by striking the present language in Section 14(c), (3) and substituting the following in lieu thereof:

"(3) corporations or persons, their lessees, trustee, or receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage motor propelled taxicabs designed for carrying no more than five passengers; permits licenses, or certificates issued prior to June 1, 1983, would not be affected by the provisions of this exclusion. Such taxicabs are motorbuses only when they operate to or from an airport established pursuant to Chapter 114, Acts 50th Legislature, 1947, as amended (Article 46d-14, Vernon's Texas Civil Statutes).

The amendment was read and was adopted by unanimous consent.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.H.B. 593** as follows:

After the phrase "cotton gins," in Sec. 5b (a) (1) (C) insert the phrase "rice mills," before the word "dryers".

The amendment was read and was adopted by unanimous consent.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed.

#### **SENATE BILL 884 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 884**, Defining water and sewer utilities and providing for their regulation and declaring an emergency.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 884** so as to delete Sections 6 and 67 from the bill and renumber the remaining sections.

The amendment was read and was adopted.

#### **RECORD OF VOTE**

Senator Doggett asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Traeger offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 884** so that Section 7 of the act will read as follows:

Section 7. (a) The commission shall employ such hearing examiners, clerical staff and other employees as it deems necessary to carry out the provisions of this Act.

(b) The executive director of the Texas Department of Water Resources shall employ such investigators, lawyers, engineers, economists, consultants, statisticians, accountants, inspectors, clerical staff, and other employees as the executive director deems necessary to carry out the provisions of this act. All employees receive such compensation as is fixed by the legislature. Pending legislative determination, the employees shall be paid the same salary as employees of the Railroad Commission holding comparable positions.

(c) The executive director of the Texas Department of Water Resources shall employ:

(1) a director of water and sewer utilities who has wide experience in water and sewer utility regulation and rate determination;

(2) a chief engineer who is a registered engineer and an expert in water and sewer utility engineering and rate matters;

(3) a chief accountant who is a certified public accountant, experienced in water and sewer utility accounting;

(4) a director of research who is experienced in the conduct of analyses of industry, economics, energy, fuel, and other related matters that the commission may want to undertake; and

(5) a general counsel.

(d) The general counsel of the Texas Department of Water Resources and his staff are responsible for the gathering of information relating to all matters within the authority of the commission.

The duties of the general counsel include:

(1) accumulation of evidence and other information from water and sewer utilities and from the accounting and technical and other staffs of the Texas Department of Water Resources and from other sources for the purposes specified herein;

(2) preparation and presentation of such evidence before the commission or its appointed examiner in proceedings;

(3) conduct of investigations of water and sewer utilities under the jurisdiction of the commission;

(4) preparation of recommendations that the commission undertake investigation of any matter within its authority;

(5) preparation of recommendations and a report of the executive director of the Texas Department of Water Resources for inclusion in the annual report of the commission;

(6) protection and representation of the public interest, together with the public interest advocate of the Texas Department of Water Resources, before the commission; and

(7) such other activities as are reasonably necessary to enable him to perform his duties.

The amendment was read and was adopted.

#### RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 884**, section 85, to read as follows:

Section 85. The purpose of this act is to transfer water and sewer utility regulation existing under the Public Utility Regulatory Act, Article 1446c, Vernon's Texas Civil Statutes, to the Texas Water Commission, and nothing herein is intended to expand the jurisdiction, rights, powers or duties of the Texas Water Commission in excess of that exercised by the Public Utility Commission of Texas prior to the effective date of this act. Further, nothing herein is intended to affect the jurisdiction and responsibilities for water rate regulation presently vested in the Texas Water Commission under Title 2 of the Texas Water Code. The transfer of water and sewer utility regulation from the Public Utility Commission of Texas to the Texas Water Commission shall not impair or affect any act done or obligation, right, permit, license, standard or requirement, or penalty accrued or existing under the authority of the Public Utility Regulatory Act, and such prior action or authority shall be treated as still remaining in force pertaining to water and sewer utilities for the purpose of sustaining any proper action concerning such obligation, right, permit, license, standard or requirement, or penalty. No judicial action or proceeding commenced prior to the effective date of this act shall be affected by its enactment.

The committee amendment was read and was adopted.

### RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Traeger offered the following amendment to the bill:

Floor Amendment No. 3

Amend Section 72, S.B. 884, to read as follows:

#### Payment dates; delinquency

Section 72. All assessments shall be due on August 15 of each year. Any utility may instead make quarterly payments due on August 15, November 15, February 15, and May 15 of each year. There shall be assessed as a penalty an additional fee of 10 percent of the amount due for any late payment. Fees delinquent for more than 30 days shall draw interest at the rate of ten percent per annum on the assessment and penalty due.

The amendment was read and was adopted.

### RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 4

Amend Section 33 of S.B. 884 by striking all above subsection (b) of Section 33 and substituting in lieu thereof the following:

#### Components of invested capital and net income

Sec. 33. The components of invested capital and net income shall be determined according to the following rules:

(a) Invested Capital. Utility rates shall be based upon the original cost of property used by and useful to the utility in providing service including where necessary to the financial integrity of the utility construction work in progress at cost as recorded on the books of the utility. The inclusion of construction work in progress is an exceptional form of rate relief to be granted only upon the demonstration by the utility, by clear and convincing evidence, that such inclusion is in the ratepayers' best interest and is necessary to the financial integrity of the utility. Construction work in progress shall not be included in the rate base for major projects under construction to the extent that such projects have been inefficiently or imprudently planned or managed. Invested capital is the actual money cost, or the actual money value of any consideration paid other than money, of the property at the time it shall have been dedicated to public use, whether by the utility which is the present owner or by a predecessor, less depreciation.

The amendment was read and was adopted.

### RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.



The bill as amended was passed to engrossment.

### RECORD OF VOTE

Senator Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### SENATE BILL 884 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 884 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire.

Nays: Caperton, Doggett, Washington, Williams.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Blake, Brooks, Brown, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Washington, Williams.

Nays: Caperton, Doggett, Edwards, Whitmire.

Absent-excused: Truan.

### SENATE BILL 948 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

S.B. 948, Relating to the regulation of compensation paid for the sale of credit insurance.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Brooks, Brown, Caperton, Edwards, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Doggett, Farabee, Howard, Jones, Sarpalius.

Absent-excused: Truan.

The bill was read second time.

(Senator Traeger in Chair)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 948 by deleting the letter "A" on page 2, line 5, and by inserting the letter "B" following the word "Subsection" on page 2, line 5.

The committee amendment was read and was adopted.

Senator Harris offered the following committee amendment to the bill:

## Committee Amendment No. 2

Amend **S.B. 948** as follows:

- (1) On page 1, line 21, delete the underlined colon;
- (2) On page 1, line 22, delete the figure “(1)”;
- (3) On page 1, line 24, delete the underlined semicolon and the word “and”, following the word “creditor”;
- (4) On page 2, delete the following beginning on line 1:  
“(2) an additional amount not to exceed the five percent of net written premiums for services of a general agent not directly or indirectly connected with the creditor”

The committee amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**RECORD OF VOTES**

Senators Blake, Montford and Doggett asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

**SENATE BILL 948 ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 948** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Doggett, Jones, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 6.

Yeas: Brooks, Brown, Caperton, Edwards, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, Mauzy, McFarland, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Doggett, Farabee, Jones, Montford, Sarpalius.

Absent: Howard.

Absent-excused: Truan.

**SENATE BILL 1066 ON SECOND READING**

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1066**, Relating to credit earned by a prisoner toward reduction of a sentence.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 382 ON SECOND READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 382**, Relating to the number of ballots furnished for each polling place.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 382 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 382** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Howard.

Absent-excused: Truan.

The bill was read third time and was passed.

**SENATE BILL 383 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 383**, Relating to the accounting treatment of the exchange of certain securities in which the permanent school fund is invested.

The bill was read second time and was passed to engrossment.

**SENATE BILL 383 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 383** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Howard.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Howard.

Absent-excused: Truan.

**SENATE BILL 1044 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1044**, Relating to conflicts of interest of local public officials; providing a penalty.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Floor Amendment No. 1

Amend Sections 1, 5 and 6 of **S.B. 1044** as follows:

1. On page 1, line 16 after the word "district" add the following:  
transit authority or district.
2. On page 1, amend SECTION 5 as follows:

**SECTION 5. EXCEPTIONS.** (a) The governing body of a governmental entity may contract for the purchase of services or personal property with a business entity in which a member of the governing body has a substantial interest if the business entity is the only business entity that provides the needed service or product within the jurisdiction of the governmental entity and is the only business entity that bids on the contract.

(b) The governing body must take a separate vote on any budget item specifically dedicated to a contract with an entity in which a member of the governing body has a substantial interest and the affected member must abstain from that separate vote. The member who has complied in abstaining in such vote under procedures set forth in Sections 3 and 4 of this Act may vote on a final budget only after the matter in which he is concerned has been resolved.

3. Amend SECTION 6 by striking the first two sentences as follows:

**SECTION 6. REMOVAL FROM OFFICE.** [~~A suit for removal may be brought by any damaged party or any citizen within the jurisdiction of the governmental entity in a district court in the county where the offense is alleged to have been committed or in the county in which the person holds his office or employment. If the court finds by a preponderance of the evidence that the defendant violated this article and that an ordinary and prudent person would have known his conduct was a violation of this article, the court shall enter judgment removing the defendant from office and impose a civil penalty not to exceed \$10,000.~~]

The amendment was read and was adopted.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 1044 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1044** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Howard.

Absent-excused: Truan.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 787 ON SECOND READING**

On motion of Senator Vale and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 787**, Relating to the authority of certain cities to undertake and finance certain improvements and/or services and providing procedures therefor; amending Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18, Public Improvement District Assessment Act (Article 1269j-4.12, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 787 ON THIRD READING**

Senator Vale moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 787** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Leedom, Washington.

Absent: Howard.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Leedom.

Absent: Howard.

Asent-excused: Truan.

**SENATE BILL 1096 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1096**, Relating to refunding bonds of school districts.

The bill was read second time.

Senator Uribe offered the following committee amendment to the bill:

Amend **S.B. 1096** by striking Subsection (b), Section 20.05 and substituting the following:

“(b) Each such governing board or commissioners court shall be authorized to refund or refinance all or any part of any of the district's outstanding bonds and matured or unmatured but unpaid interest thereon (~~coupons~~) payable from ad valorem taxes by the issuance of (~~negotiable, coupon,~~) refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than forty years from their date, and shall bear interest at such rate or rates, as shall be determined within the discretion of such governing board or

commissioners court. Said refunding bonds may be issued without an election in connection therewith.”

The committee amendment was read and was adopted.

Senator Uribe offered the following committee amendment to the bill:

Amend Subsection (j), Sec. 20.05 of **S.B. 1096** by adding the words “, as amended” after the date “1969”.

The committee amendment was read and was adopted.

Senator Uribe offered the following amendment to the bill:

Amend **S.B. 1096** by adding the following at the end of Subsection (b), Section 20.05:

“Provided, however, if the Texas Constitution would require an election or vote to permit any procedure, action, or matter pertaining to such refunding bonds, then an election to authorize any such procedure, action, or matter shall be held substantially in accordance with this Chapter 20 of this code to the extent practicable, applicable, and appropriate.”

The amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 1096 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1096** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent: Howard.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Mauzy.

Absent: Howard.

Absent-excused: Truan.

#### **SENATE BILL 1056 ON SECOND READING**

Senator Kothmann asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 1056**, Relating to the information required on a voter registration application.

There was objection.

Senator Kothmann then moved to suspend the regular order of business and take up **S.B. 1056** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Washington, Williams.

Nays: Lyon, Mauzy, Parker, Sharp, Uribe, Vale, Whitmire.

Absent: Howard.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 7.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Williams.

Nays: Lyon, Mauzy, Sharp, Uribe, Vale, Washington, Whitmire.

Absent: Howard.

Absent-excused: Truan.

#### **SENATE BILL 1056 ON THIRD READING**

Senator Kothmann moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1056** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Uribe, Williams.

Nays: Lyon, Mauzy, Vale, Washington, Whitmire.

Absent: Howard, Sharp.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 5. (Same as previous roll call)

#### **MEMORIAL RESOLUTIONS**

**S.R. 571** - By Lyon: Memorial resolution for Robert Earl Collins.

**S.R. 573** - By Sims: Memorial resolution for Roy A. Sykes.

**S.R. 574** - By Doggett: Memorial resolution for Sam A. Parker, Jr.

**S.R. 575** - By Brooks: Memorial resolution for Mrs. Estelle McGivney Hamilton.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 566** - By Sharp: Extending welcome to the students from Voight Elementary School in Round Rock.

**S.R. 568** - By Leedom: Extending congratulations to Ms. Margaret Jane Griffith.

**S.R. 569** - By Leedom: Extending congratulations to Timothy Dean Cook.

**S.R. 572** - By Williams: Extending welcome to Dawn Duval Manges, Honorary Page for the Day.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 3:14 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, May 9, 1983.



## APPENDIX

DISCURSO DEL HONORABLE TONY BONILLA

(Sesión Conjunta de Ambas Cámaras Legislativas)  
5 de Mayo, 1983

Muchas gracias Senador Sharp por su amable introducción y gracias a todos los miembros de la Cámara de Diputados y Senado por honrarme, permitiéndome esta histórica oportunidad de dirigirme a ustedes. Tradicionalmente, los hispanoparlantes no han tenido la oportunidad de hablar desde este podio. Tuve la primera oportunidad de hacerlo durante la Sesión Legislativa de 1965 cuando era miembro de dicho organismo. En aquel entonces, visitaba nuestra ciudad el Gobernador de Coahuila y solo había un pequeño grupo de legisladores en ambas cámaras que hablaban español. Ninguno del grupo leía el español bien y solo unos pocos lo podían hablar bien. Así que decidimos tirarlo a suerte a ver quien hablaba por el grupo. El único miembro de ese grupo que queda es Bob Vale. Bueno, al regresar al Capitolio lo tiramos a suerte y me tocó a mí hacer el discurso dándole la bienvenida a nuestro huésped de honor. El grupo se reunió y escribimos un discurso en inglés el cual fué traducido al español. Después de haber presentado mi discurso supe que el Gobernador Connally no lo entendió, los miembros hispanoparlantes tampoco lo entendieron y más tarde me enteré que ni el Gobernador de Coahuila lo entendió. Esto sucedió mucho antes del nacimiento de la educación bilingüe y por eso me llamaron bi-analfabeto.

Es un honor para mí, mi familia, LULAC, y la comunidad hispana que me hayan invitado hoy a dirigirles la palabra. Quizás muchos de ustedes se preguntan ¿por qué celebramos el 5 de Mayo?, ¿qué tiene que ver ésta fecha con los ciudadanos de Texas y de este país? Como

ustedes recuerdan, en la década de los 1860, nuestro país sufría una gran destrucción por la guerra civil. Durante esa época, la República Mexicana, que había ganado su independencia de España a principios de los 1800, pasaba por una crisis económica y le debía mucho capital a varios países. Acuerdos se llevaron a cabo con esos países para negociar pagos de las deudas excepto Francia. Como resultado, un grupo de 6,000 soldados franceses desembarcaron en Veracruz para aprovecharse de la condición débil de la economía y política de México. Pronto fueron enfrentados por un ejército mexicano menos numeroso. Al mando de ese ejército estaba el General Zaragoza, texano, quien venció a los franceses en Puebla el 5 de Mayo de 1862, preservando así la integridad territorial de la República de México.

La significancia de esta victoria no es solo el hecho de que México obtuvo su integridad territorial sino que México venció a los franceses. Si los franceses hubieran logrado su objetivo, la historia nos indica que hubieran unido fuerzas con la confederación posiblemente alterando el curso de la historia de nuestra nación. Así le debemos a los valientes mexicanos, al General Zaragoza y a la República de México por haber preservado también nuestra integridad como país.

Mencioné hace poco que en 1965 cuando yo era miembro de la legislatura estatal había solo un pequeño grupo de miembros hispanos. Exactamente había siete Diputados y ningún Senador. Hoy, la Cámara de Diputados cuenta con 24 miembros hispanos y el Senado con cuatro. Esto es un índice del progreso que hemos hecho los hispanos en este estado. Parte del crédito a estos avances se debe sin duda alguna a la Ley de Derechos de Voto, y también a la participación de éste organismo en el

proceso de trazar y delinear distritos. Se debe reconocer también el papel desempeñado por el Presidente del Senado el Sr. Hobby y el Presidente de la Cámara el Sr. Gib Lewis quienes abrieron las puertas del proceso legislativo haciendo posible que los hispanos desempeñaran cargos significantes en comités de ambas cámaras. Quiero ofrecer un tributo especial al Sr. Gib Lewis por haber tomado los pasos necesarios y haber nombrado más hispanos como presidentes de comités y también nombrado a Hugo Berlanga como Presidente Pro Tem de la Cámara de Diputados. Si solo se le pudiera enseñar a Hugo el uso apropiado del mallette en vez de usarlo en la cabeza de sus oponentes. Creemos que sería importante si otros líderes gubernamentales emularan a los Sres. Hobby y Lewis dándole mejores oportunidades a los hispanos.

Es importante que después de hablarles de la importancia del 5 de Mayo y los avances de los hispanos en el proceso legislativo, les hable un poco del impacto de la cultura hispana en nuestra sociedad. No sé cuantos de ustedes han realizado que de 1861 a 1960 las dos terceras partes del total de inmigrantes a éste país procedieron de Europa. Pero desde 1977, cuatro de cada cinco inmigrantes a éste país vienen de América Latina o Asia. Todo indica que éste proceso de inmigración de gran escala continuará trayendo consigo complejas consecuencias sociales. Hoy hay 20 millones de hispanos en éste país. Para fines del Siglo XX, se espera que los hispanos constituyan la segunda mayoría en los E.E.U.U. Familias hispanas están compuestas de más miembros que familias de otros grupos étnicos. La tasa de natalidad de los hispanos es de un 2.9 comparada la anglo de 1.9 y la negra de un 2.7. Tenemos un potencial de 6 millones de votantes hispanos en los E.E.U.U., más de un millon en Texas. Más del 60% de los estudian-

tes en las escuelas públicas de Nueva York, Chicago, Los Angeles, Denver, los siete distritos escolares más grandes en Texas y el Condado de Dade en la Florida son hispanos y negros. Las minoridades constituyen la mitad del total de estudiantes en escuelas primarias en Texas. Sin embargo, el 40% de la población hispana es menor de 18 años y solo el 5% es mayor de 65 años. Aunque por los números tenemos un gran potencial político, también tenemos bastante poder e influencia económica que muchas personas no reconocen. Como consumidores, hispanos gastan en exceso de 100 billones de dólares anuales. Los negros gastan 157 billones. Juntos los negros y los hispanos representan un cuarto de trillón de dólares en la industria de este país. Si se considera el potencial de votantes, los hispanos y los negros constituyen un potencial de votantes de 23 millones. Es por eso que individuos como yo, que somos activos políticamente queremos dejar saber en nuestros discursos que las manos que hoy recogen el algodón, las frutas y los vegetales, un día no muy lejano decidirán quién va a ser el presidente de los E.E.U.U.

A pesar de las estadísticas mencionadas, los hispanos mantienen un alto nivel de desperdicio escolar, ya sea, estudiantes que desertan la escuela antes de graduarse. Hay pocos hispanos matriculados a nivel universitario y aún menos en estudios posgraduados. También hay ausencia de hispanos en posiciones de alta decisión en las grandes corporaciones y en muchos niveles gubernamentales. No estamos bien representados en los medios de difusión. Al mismo tiempo los trabajadores agrícolas todavía están luchando por beneficios mínimos y su

dignidad. Como grupo, el hispano recibe uno de los sueldos más bajos en la nación y al mismo tiempo sufre un 15.8% de desempleo. En lugares como Laredo el desempleo es del 28%.

De acuerdo a las estadísticas ustedes se deben preguntar, ¿qué quieren los hispanos? Buscamos oportunidad. Por mucho tiempo hemos usado los obstáculos como medios para alcanzar sucesos. Lo que la gente debe de comprender hoy día es que los hispanos ya no somos ese grupo con una sola imagen; interesados en problemas tradicionales como la educación bilingüe e inmigración. Deben comprender que los hispanos buscamos desempeñar un papel más grande en el proceso de decisiones, tal como lo han hecho los Sres. Hobby y Lewis, el Gobernador White, el Comisionado de Tierras del Estado Garry Mauro y otros. Pero queremos aún más. Esto es solo el comienzo.

Sabemos que las diferentes áreas geográficas de los E.E.U.U. pronto competirán una con la otra por trabajos, personas con talento, recursos, industrias de alta tecnología y ayuda federal. Los hispanos pueden y deben desempeñar un papel importante en el logro de esos esfuerzos. México es hoy el tercer país de importancia en el comercio internacional de los E.E.U.U. El bilingüismo y el biculturalismo debe entonces considerarse como un bien en este país. Debemos superar el trauma que el ser bilingüe o bicultural es una deficiencia de nuestra nación y aceptar que el ser una sociedad multilingüe nos ofrece muchos beneficios.

El surgimiento de Centro América como área de gran importancia económica y de nuestra seguridad prescribe que el talento hispano se debe usar de una manera positiva. Y si hay esos en nuestra sociedad que creen que hispanos no quieren hablar inglés, permítanme compartir

con ustedes los resultados de una reciente encuesta en la cual el 98% de los hispanos en este país piensan que la adquisición de proficiencia en inglés es su más importante prioridad.

Ustedes pueden entonces preguntarse, ¿qué temas o cosas apoyamos los hispanos? Hay varias medidas pendientes en este organismo que necesitan atención. Sería una negligencia de mi parte el no expresar ante ustedes lo que oigo a los hispanos decir a través de Texas. No queremos nuevos impuestos. Queremos aumento de sueldos para los maestros y disciplina en las aulas. Con la reducción de recursos económicos en el área universitaria y la eliminación de un gran número de programas de asistencia, no queremos aumento en el costo de matrícula para los estudiantes universitarios. Hay una ley pendiente en este organismo que propone mínimo sueldo y seguro de compensación para los trabajadores agrícolas. Por mucho tiempo los trabajadores agrícolas han sido tratados como esclavos en este estado y en este país. No es irracional el pensar y demandar que los trabajadores agrícolas tengan los derechos que se le dan a cualquier otro trabajador en el siglo XX. Por eso queremos que reciban seguro de compensación y por lo menos el salario mínimo federal.

La profesión de maestro ya no es atractiva. Muchos maestros abandonan la profesión. Apoyamos incentivos para atraer estudiantes a que estudien la profesión de maestros y esperamos que aprueben alguna ley con ése propósito.

Ya es hora de que le hagamos frente al abuso de drogas y alcohol en Texas. Apoyamos leyes estrictas para combatir ese mal. También apoyamos legislación que autorize la deducción de pagos de apoyos para los niños de los sueldos. Por mucho tiempo demasiada gente con hijos

le han dado la espalda a sus responsabilidades paternales. Lo mínimo que se le debe requerir a éstos individuos es pagar por el mantenimiento de sus hijos. Encomendamos el apoyo de éste organismo a la extensión del Programa de Terrenos para Veteranos y trabajaremos con ustedes para asegurar su promulgación como enmienda constitucional y apoyamos un aumento en el Programa AFDC.

Estoy de acuerdo que el trabajo de este cuerpo legislativo es árduo y difícil, y quiero que sepan que la comunidad hispana está dispuesta a trabajar con ustedes. Para terminar quiero decirles un cuento del pobre jugador de golfo quién gustaba de jugar todos los fines de semana. Jugaba un poco como Froy Salinas -- el estómago le estorbaba. Le dió a la pelota y esta cayó en el centro de un nido de hormigas. El jugador de golfo agarró su palo con cabeza de hierro #5. Tomó puntería, pero falló. En vez de darle a la pelota le dió al nido y mató muchas hormigas. Repitió este proceso matando más hormigas. Finalmente, después del tercer intento, una hormiga miró a otra y dijo "Sabes tú, si queremos salir de aquí vivos, mejor nos montamos en la pelota".

Queremos que ustedes sepan que la comunidad hispana en Texas y América está lista. Tenemos los palos de golfo, estamos tratando de golpear la pelota, y le estamos dando. La pelota, después de recibir el golpe, va derecha. Esperamos que se unan a nosotros en el juego de paridad económica, justicia y oportunidad.

Muchas gracias.

**In Memory****of****Morris Hite**

Senator Leedom offered the following resolution:

**(Senate Resolution 567)**

WHEREAS, Citizens of Dallas suffered a real loss to their community with the tragic accidental death of Morris Hite on May 1, 1983; and

WHEREAS, Mr. Hite was killed in an automobile accident early Sunday morning while travelling to the site of the Byron Nelson Golf Classic, which he had helped to establish as a fund raising event for the Salesmanship Club of Dallas and which has been an important feature of the PGA Tour for a number of years; and

WHEREAS, Born November 23, 1910, in Anadarko, Oklahoma, Morris Hite moved to Dallas in 1937 to join Tracy-Locke advertising agency; within 13 years he had worked his way to the top of that firm, and with the exception of four years of Army service during World War II, he remained with the company until 1982; and

WHEREAS, Throughout his career in Dallas he was involved in a wide range of civic activities and was widely recognized for his contributions to the growth of Dallas, including his important role in promoting the building of the Dallas-Fort Worth Regional Airport, the establishment of The University of Texas at Dallas, and his service as chairman of the committee that worked successfully to win voter approval of the \$247 million bond issue in Dallas in 1982; and

WHEREAS, Mr. Hite was a former director and two-term president of the Dallas Chamber of Commerce, a past director of the Dallas Citizens Council, and president of the Salesmanship Club, which supports summer camps for children; for these and other activities he received formal recognition in such forms as the prestigious Linz Award, as one of 12 recipients of the national Horatio Alger Award, and only a week before his death was named Headliner of the Year by the Dallas Press Club; yet he was said to be as humble as he was ardent about his participation in community affairs; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 68th egislature, That the richly honored life of Morris Hite be commended as an example to all his fellow citizens for whom he toiled so long and so well; and, be it further

RESOLVED, That the Senate of Texas extend deepest sympathy to the members of his family: his widow, Caroline Roemer Hite; his sons, Morris Hite, Jr., and Jerry Roemer Hite; and three daughters, Carol Marie Hite, Florence Elizabeth Hite, and Aimee Katherine Hite; and, be it further

RESOLVED, That copies of this Resolution be prepared for the family of Morris Hite, and that when the Senate adjourns this day, it do so in his memory.

The resolution was read.



On motion of Senator Mauzy and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Leedom and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

### **SIXTY-FOURTH DAY**

(Monday, May 9, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Parker.

A quorum was announced present.

The Reverend Dubyear Harris, Metropolitan African Methodist Episcopal Church, Austin, offered the invocation as follows:

O God, Who has prepared for those who love Thee such good things as pass man's understanding, pour such love towards Thee into the hearts of these, our Senators, of the commonwealth of ours and guide the presiding officer this day and keep them in Thy charge and keeping. In His name we pray. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 5, 1983, was dispensed with and the Journal was approved.

### **LEAVE OF ABSENCE**

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Glasgow.

### **MESSAGE FROM THE HOUSE**

House Chamber  
May 9, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 32**, Granting Sharon Kinzel permission to sue the State.

**S.C.R. 33**, Granting Clyde Jenkins permission to sue the State.

**S.C.R. 79**, In memory of Arthur William Esser.

**H.C.R. 113**, Creating a special committee to review a study of the State occupational education program.